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Date: May 20, 2004

Case Docket No. BJA272C

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE to (703) 872-9306

(9 pages)

RE: Request to Enter Timely Filed Reply to Office Action Mailed October 30, 2003
Application No.: 09/745,458
Applicant: Jorg G. Moser
Filing Date: December 21, 2000
Title: Photosensitizers with Ligand Targeting Properties for Tumor Therapy

Dear Sir or Madam:

This letter is in response to a Notice of Abandonment mailed May 18, 2004 for failing to timely reply to the Office Action mailed on October 2, 2003. A copy of the Notice is enclosed. Applicant did timely file a reply (a copy of which is enclosed) to that Office Action on October 30, 2003, and thus requests that the enclosed reply be accepted as timely filed and be given due consideration.

A copy of the Express Mail receipt is enclosed, showing that the reply was deposited in the U.S. Post Office on October 30, 2003. A copy of the itemized post card accompanying that reply, showing acknowledgement by the USPTO of a receipt date of October 30, 2003, is also enclosed.

I trust that this showing is sufficient to demonstrate that a reply to the above Office Action was timely filed, and that the holding of abandonment should therefore be withdrawn. Applicant respectfully requests that the holding of abandonment be withdrawn and that the enclosed reply be accepted as timely filed.

Sincerely,



Bolesh J. Skutnik, PhD, JD
Reg. No. 36,347
Attorney for Applicants

CERAMOPTEC® INDUSTRIES, INC.
515 Shaker Road
East Longmeadow, MA 01028

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,458	12/21/2000	Jorg G. Masor	BIA272C	3984

7590 05/18/2004

BOLESH J. SKUTNIK PhD,JD
 515A Shaker Road
 East Longmeadow, MA 01028

EXAMINER

GUPTA, ANISH

ART UNIT	PAPER NUMBER
1654	

DATE MAILED: 05/18/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	09/745,458	MOSER, JORG G.	
	Examiner	Art Unit	
	Anish Gupta	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 October 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Brenda Brumbaek
BRENDA BRUMBAEK
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 3

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 01028 Day of Delivery ☒ Drive ☐ Parcel ☐

Date in 10/20/03 ☒ Delivery ☐ 3 PM ☐ 4 PM

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FROM: PLEASE PRINT PHONE: (913) 525-9222

Dr. B. Josh J. Skutnick

Cervin Optoelectronics Inc.

515 Shaker Rd

East Longmeadow, MA 01028

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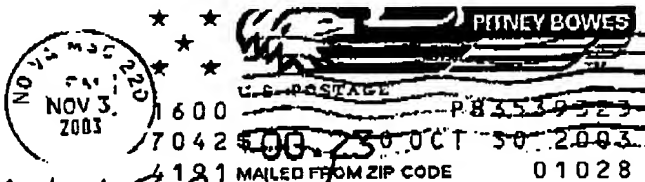
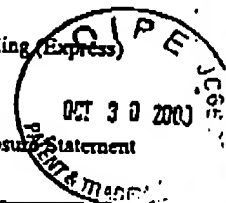
Last 18 September 2002

Ser./Reg./Pat. No. 09/745458 File No. BV272C By B. J. Skutnick
Title/Mark Photocopying with legend targeting for the patent
In the Matter of the Application of J. H. H. H.

The following, due 11/2/03 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office Mail Room on the date stamped hereon:

- ☐ Affidavit or Declaration
- ☒ Response to Office Action
- ☐ Extension Request
- ☐ Application for Patent Including
 - ☐ Pages Specification ☐ claims
 - ☐ Declaration or ☐ Oath ☐ Abstract
- ☐ Application for Registration/Renewal Including Specimens/Facsimiles
- ☐ Assignment
- ☐ Brief
- ☐ Check No. For \$
- Mailed: Proper Mail 10/30/03
6248719799342

- ☐ Drawings Sheet(s) (Formal)
- ☐ Transmittal
- ☐ Maintenance Fee
- ☐ Certificate of Mailing (Express)
- ☐ Notice of Appeal
- ☐ Petition
- ☐ Power of Attorney
- ☐ Information Disclosure Statement
- ☐ Priority Document
- ☐
- ☐
- ☐



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